IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Bail Appl..No. 1088 of 2007()

CRIME NO.25/07 OF IRIKKUR POLICE STATION

: PETITIONERS/ACCUSED

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1. T.P.SABIR, AGED 31 YEARS,
   S/O.KASIM, T.P.HOUSE, VANDITHAVALAM,
   P.O. IRIKKUR.

2. SHANAVAZ, AGED 31 YEARS,
   S/O.ABDUL RAHIMAN, MUMTHAZ MANZIL,
   IRIKKUR P.O.

3. SAFEER C.C. S/O.IBRAHIM,
   AGED 21, CHEKINTAKATH, P.O.PATTANNUR,
   KURARI, KANNUR.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS: COMPLAINANT AND STATE.

STATE OF KERALA, REPRESENTED BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1088 OF 2007 A

Dated this the 26th day of February, 2007

O R D E R

Petitioners, who are accused Nos.1 to 3 in Crime No.25/2007 of Irikkur Police Station for offences punishable under sections 143, 147, 148, 452, 323, 324, 354 and 427 read with section 149 IPC and section 25(1A) of the Arms Act, 1959, seek anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that on 23.1.2007 at about 10.30. p.m. the accused persons travelling in a jeep and a motor cycle, armed with deadly weapons like sword, criminally trespassed into the house of the de facto complainant and attacked him, his sister and mother.

2. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioners should not surrender before the Investigating Officer for interrogation and then seek regular bail. Accordingly, the petitioners are directed to surrender before the Investigating Officer on any day between 9.3.2007 and 12.3.2007 for the purpose of interrogation and recovery of incriminating materials, if any. The petitioners shall, thereafter, be produced before the Magistrate

concerned on the same day. The Magistrate shall consider and dispose of the application, if any, for regular bail filed by the petitioners, preferably on the same date on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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